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January 15, 2009

Judge Leonard D. Wexler
United States District Court
Eastern District of New York
944 Federal Plaza
Central Islip, New York 11722

Re: Florio v. Rubin & Rothman LLC
2:08-cv-05082-LDW-ARL

Dear Judge Wexler:

I represent the Plaintiff herein.

I am writing Your Honor to Oppose Defendant's request for a Pre-Motion Conference.

Plaintiff brought this action pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., predicated on the fact that defendant has demanded monies absent notice of the name of the creditor and absent the ability to substantiate its claim of the Plaintiff's indebtedness.

One of the requirements of 15 U.S.C. § 1692g(a)(2) is for the debt collector to send the consumer written notice of the name of the creditor to whom the debt is owed.

Plaintiff alleges that the debt collection letter at issue, Exhibit A of the Complaint, fails to identify the name of the current creditor and the name the original creditor. Therefore, the consumer has no method of knowing or identifying the account claimed to be owed.

In greater than a year, defendant collection law firm has not evidenced that the entity listed in its debt collection letter, as client, "LVNV FUNDING LLC" is the creditor.

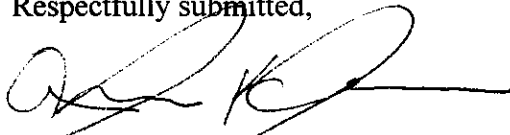
In fact, the Local Civil Rule 26.1 require parties to furnish, upon demand, the post office address and residence addressees of both principal officers of owners of a claim and the address of the assignee.

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In the absence of a Discovery schedule and responses by the Defendant, Plaintiff is unable to determine whether the entity identified in the collection letter as Client, LVNV, is in fact the creditor, and whether the claim that Plaintiff is indebted in the amount of \$2,003.70 is false and deceptive from the outset.

For the foregoing reasons, Plaintiff respectfully requests that Defendant's application for a Pre-Motion Conference to file a Fed. R. Civ. P. 12(b)(6) motion to Dismiss the Complaint for failure to state a claim be denied.

Respectfully submitted,



Abraham Kleinman